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12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA

15 MILEPOST INNS, INC., d/b/a MILEPOST  
16 INDUSTRIES,

17 Plaintiff,

18 vs.

19 NORFOLK SOUTHERN CORPORATION,  
20 and NORFOLK SOUTHERN RAILWAY  
21 COMPANY;

22 Defendants.

Case No. C-03-2510 (CRB) (ADR)

ORDER CONFIRMING  
ARBITRATION AWARD

Date: November 21, 2005

Time: 10:00 a.m.

Courtroom: 8

Judge: Charles R. Breyer

23 On November 18, 2005, this Court held a hearing on Milepost Inns, Inc.'s motion for an  
24 order confirming the award of the arbitrator made in this matter.

25 The court has considered the declaration in support of the motion, Exhibits attached to the  
26 declaration, and the arguments of counsel. It appears to the satisfaction of the court that the court  
27 has jurisdiction over this matter, and that the award of the arbitrator dated August 15, 2005 was  
28 properly made and that there is no basis for vacating, modifying, or correcting that award. It also  
appears to the satisfaction of the court that the arbitration award was, pursuant to the terms of the  
contract, intended to be final and binding on the parties, so that this court has the power to  
confirm it under the provisions of Section 9 of the Federal Arbitration Act [9 U.S.C. §9].

1 Therefore, IT IS ORDERED that:

- 2 1. The award of the arbitrator in this matter, as attached as Exhibit "1" to the Declaration of  
3 Jeffrey J. Rooney in Support of Plaintiff's Motion to Confirm Arbitration Award, is  
4 CONFIRMED; and  
5 2. The Clerk will enter this Court's judgment on this award.

6  
7 Dated: November 21, 2005

